

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No: 1:24-CV-00221**

CRAIG CUNNINGHAM,

Plaintiff,

v.

**WALLACE & GRAHAM, P.C.,
MONA LISA WALLACE, BILL
GRAHAM, WHITNEY WALLACE
WILLIAMS, MARK P. DOBY,
RHINE LAW FIRM, P.C., JOEL R.
RHINE, SOKOLOVE LAW, LLC,**

Defendants.

SOKOLOVE LAW, LLC,

Cross-Plaintiff,

v.

**BRENT NILS CUSHMAN and
BLAZEN MEDIA, LLC,**

Third-Party Defendants.

MOTION FOR EXPEDITED RESOLUTION OF DISCOVERY DISPUTE

Defendants Wallace & Graham, P.C., Mona Lisa Wallace, Bill Graham, Whitney Wallace Williams, Mark P. Doby, Rhine Law Firm, P.C., Joel R. Rhine, and Sokolove Law, LLC, (“Defendants”), by counsel and pursuant to Local Civil Rule 37.1(b), hereby requests a discovery conference with Magistrate Judge Auld regarding dates for Plaintiff’s deposition and states the following:

1. On February 7, 2025, Defendants served a deposition notice on Plaintiff, noticing his deposition for March 12, and, in the alternative, offering the week of March 10 or March 17 to accommodate the Plaintiff's schedule. For the remainder of February, the parties attempted to find a mutually-available date.

2. Plaintiff's counsel requested, and counsel for Defendants agreed, to schedule depositions following a mediation so that both could occur in person and would ease Plaintiff's and Plaintiffs' counsel burdens – none who are located in North Carolina. Both parties worked to find a mutually agreeable mediator, although Defendants required that the mediator be in North Carolina and be familiar with North Carolina law.

3. Plaintiff refused to mediate with Defendants' suggested mediator, *see* ECF No. 21, and refused all other suggestions made by Defendants. Defendants ultimately agreed to mediate with a mediator selected by Plaintiff, yet no mediation has been scheduled or dates provided for mediation.

4. On April 9, 2025, counsel for Defendants again requested deposition dates, given that Defendants had not received dates for a mediation. For the first time, counsel represented that Plaintiff would not provide dates until Defendants provided dates for deposition. At that time, Plaintiff had not noticed depositions of any Defendant and had not requested dates for deposition of any Defendant.

5. Counsel for Defendants agreed to provide dates for Defendants' depositions; however, counsel for Defendants would not agree to a "mutual exchange" of dates given that Defendants began requesting deposition dates in February.

6. Counsel for Defendants respectfully requests a discovery conference with Magistrate Judge Auld to schedule Plaintiff's deposition.

DATED: April 16, 2025

**WALLACE & GRAHAM, P.C.,
MONA LISA WALLACE, BILL GRAHAM,
WHITNEY WALLACE WILLIAMS,
MARK P. DOBY, RHINE LAW FIRM, P.C.,
JOEL R. RHINE, and SOKOLOVE LAW,
LLC**

By: /s/Virginia Bell Flynn

Virginia Bell Flynn (N.C. State Bar No. 59109)

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Counsel for Defendants

CERTIFICATE OF CONFERENCE

Counsel certifies that after diligent attempts to resolve differences, the parties are unable to reach an accord. The parties have conferred throughout the months of February and March, by telephone and e-mail, and again relating to the specific issues outlined in this Motion on April 9 and April 10.

By: /s/ Virginia Bell Flynn
Virginia Bell Flynn